

REMARKS

Applicant wishes to thank Examiner Wegert and her mentor, Elizabeth Kemmerer, for kindly discussing this case with applicant's representative on September 21, 2004. As indicated in the unofficial interview summary, applicant agreed to consider amending the claims to recite that the biological activity is facilitating learning in order to overcome the examiner's rejections. Applicant chose to cancel the previously pending claims as discussed below and provide a fresh set of claims for the examiner's review. Applicant reserves the right to pursue claims directed to the subject matter cancelled herein. Nothing shall be construed as a disclaimer of subject matter.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Previously, claims 1-17 and 25 were cancelled and claims 26 and 27 were withdrawn from prosecution. After consideration of this amendment, claims 1-33 are requested to be cancelled.

Claims 34-48 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 34-48 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any

extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 21 October 2004

By S. A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768